

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15181 of Inez Cushard, pursuant to 11 DCMR 3108.1, for a special exception under Section 214 to allow a parking lot in an R-2 District at the rear of 4926 Wisconsin Avenue, N.W., (Square 1671, Lot 30).

HEARING DATE: November 29, 1989
DECISION DATE: November 29, 1989 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 3E and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 3E. ANC 3E, which is automatically a party to the application, by letter dated November 17, 1989 submitted written issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 214. No person or entity appeared at the hearing or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of FOUR YEARS.
2. Use of the lot shall first be offered to employees of businesses located in the 4900 block of Wisconsin Avenue, N.W. Any unrented spaces may then be offered to other area businesses.

3. The hours of operation shall not exceed from 7:00 A.M. to 9:00 P.M., Monday through Saturday.
4. The lot shall be secured by a chain, gate or cable during all hours that it is not in operation to prevent unauthorized use.
5. The property shall be cleared of all trash and debris on a daily basis.
6. The masonry walls surrounding the lot shall be repaired and maintained in good condition at all times.
7. Any landscaping provided on the lot shall be maintained in a healthy growing condition and shall have a neat and orderly appearance. Planter boxes shall be maintained in a good state of repair and replaced as necessary.
8. The cable and posts along the eastern boundary shall be maintained in a good state of repair and in an orderly fashion.
9. There shall be no trash containers kept on the lot.
10. The following signs shall be posted and maintained:
 - a. A sign giving information on whom to contact in the event of complaint or emergency.
 - b. The two substandard parking spaces located in the northern and western areas of the parking lot shall be posted with signs reserving them for compact cars.
11. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface. All potholes shall be repaired as soon as possible.
12. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
13. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

14. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
15. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
16. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 3-0 (William F. McIntosh, Paula L. Jewell and Charles R. Norris to grant; Carrie L. Thornhill not voting, not having heard the case; Tersh Boasberg not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: DEC 26 1989

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15181order/LJP55

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 15181

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated Oct 26, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Fred Cherney
4926 Wisconsin Avenue, N.W.
D.C. 20016

Inex Cushard
4839 Wisconsin Avenue, N.W.
D.C. 20016

Paul Strauss, Chairperson
Advisory Neighborhood Commission 3-E
P.O. Box 9953, Friendship Station
Washington, D. C. 20016

A handwritten signature in dark ink, appearing to read "E. Curry", is written over a horizontal line.

EDWARD I. CURRY
Executive Director

DATE: Oct 26